

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Section 43.62 Reporting Requirements for)	IB Docket No. 17-55
U.S. Providers of International Services)	
)	
2016 Biennial Review of)	IB Docket No. 16-131
Telecommunications Regulations)	

REPLY COMMENTS OF TATA COMMUNICATIONS (AMERICA) INC.

Tata Communications (America) Inc. (“TC America”) hereby submits these reply comments in response to the Notice of Proposed Rulemaking (“NPRM”)¹ in the above-captioned proceeding.

I. INTRODUCTION AND EXECUTIVE SUMMARY

TC America is a facilities-based international telecommunications service provider, indirectly wholly-owned by Tata Communications Limited (“TCL”), one of the largest international telecommunications providers in the world. Through its subsidiaries, TCL owns and operates the world’s most advanced telecommunications subsea telecommunications cable network; is the world’s largest wholesale international voice provider, carrying over 60 billion minutes per year and is the fifth largest global Internet transit provider.

TC America agrees with the numerous commenters urging the Commission to eliminate the requirements to file annual International Traffic and Revenue Reports and as the Circuit Capacity Reports. These requirements are unnecessarily burdensome, provide little benefit to the

¹ Section 43.62 Reporting Requirements for U.S. Providers of International Services, 2016 Biennial Review of Telecommunications Regulations, Notice of Proposed Rulemaking, FCC No. 17-28, IB Docket Nos. 17-55 and 16-131 (rel. Mar. 23, 2017) (“NPRM”).

Commission, and divert valuable resources from international telecommunications providers who could otherwise be improving consumer services in an already robust international marketplace.

II. The Commission Should Eliminate the International Traffic and Revenue Reporting Requirement

Comments filed in response to the NPRM are unanimously in favor of eliminating International Traffic and Revenue Reports.² As the Commission correctly notes, filing annual International Traffic and Revenue Reports pursuant to current Commission rules places a significant burden on international licensees in significant excess of the benefit they provide to the Commission.³ Indeed, multiple parties have demonstrated the burdensome and time-consuming nature of the data collection required for these reports. For instance, the United States Telecom Association noted that the data required for these reports “often resides in multiple systems and departments.”⁴ Verizon has reported that it expends 600 hours of

² Comments of Inmarsat Inc., IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“Inmarsat Comments”); Comments of AT&T Services, Inc., IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“AT&T Comments”); Comments of Iridium Carrier Services LLC, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017); Comments of Sprint Corporation, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“Sprint Comments”); Comments of Voice on the Net Coalition, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“VON Coalition Comments”); Comments of T-Mobile, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017); Comments of CTIA, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“CTIA Comments”); Comments of the United States Telecom Association, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“US Telecom Comments”); Comments of Satcom Direct, Inc. *et al.*, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“SD Comments”); Comments of Verizon, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“Verizon Comments”); Comments of TNZI USA LLC, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017); Joint Comments of International Carriers and Infrastructure Owners, IB Docket Nos. 17-55 and 16-131 (filed May 17, 2017) (“NASCA Comments”).

³ NPRM at paras. 15-19. The Commission estimates that 1,800 entities spent at least 15,000 hours preparing and submitting international Traffic and Revenue Reports in 2016 and this number is likely an underestimation as well. *See* NPRM at para. 16; Statement of Commissioner Michael O’Rielly (acknowledging that the Commission often estimates the costs of reporting requirements).

⁴ US Telecom Comments at 2.

employee time for the reports;⁵ and AT&T stated that the reports involve a minimum of eight personnel in varying areas and approximately 300 hours of work.⁶ Like other large carriers, TC America also dedicates significant time of its staff across multiple departments to the preparation of these reports.

TC America also concurs that the benefits provided by the International Traffic and Revenue Reports no longer exist. As a group of international carriers and infrastructure owners jointly pointed out, not only has the industry adjusted such that international routes are competitive, and most traffic is exchanged outside of traditional settlement rate regimes, but the reports themselves also often result in inaccurate data.⁷

Accordingly, TC America urges the Commission to eliminate these anachronistic reports.

III. The Commission Should Also Eliminate Circuit Capacity Reporting Requirement

Several commenters also filed in support of eliminating Circuit Capacity Reports.⁸ TC America agrees that Circuit Capacity Reports are outdated and overly burdensome. Similar to International Traffic and Revenue Reports, Circuit Capacity Reports require significant time and resources that are severely underestimated by the Commission. For example, the Commission estimated that the preparation and filing of reports totals 13 hours. However, parties such as AT&T and Verizon have shown that in fact the preparation and filing requires well over 100 hours.⁹ Additionally, as many parties have pointed out, the data the Commission intends to glean from these reports is better provided from other private sources, which provide more timely and

⁵ Verizon comments at 6.

⁶ AT&T Comments at 4.

⁷ See, e.g., NASCA Comments at 6; CTIA Comments at 3; Inmarsat comments at 3.

⁸ See, e.g., Inmarsat Comments; AT&T Comments; US Telecom Comments; VON Coalition Comments; Verizon Comments; Sprint Comments; SD Comments. No party has advocated against the elimination of Circuit Capacity Reports.

⁹ See AT&T Comments at 6; Verizon comments at 5.

accurate data.¹⁰

Moreover, one of the key arguments raised by the Commission in favor of retaining Circuit Capacity Reports, their usefulness in calculating annual regulatory fees,¹¹ also falls flat. First, the overwhelming majority of international traffic is carried by submarine cables and submarine cable operators already pay annual regulatory fees to the Commission on a per system basis, rather than on a per circuit basis. Second, the Commission is currently seeking comment on reforming the regulatory fee scheme, so that operators of cross-border international circuits and satellite circuits are also required to pay annual fees on a per carrier basis.¹² Finally, even assuming that the regulatory fee system is maintained in its current form, operators of cross-border and satellite circuits can easily report their active capacity at the time they pay their annual regulatory fees. There is no need to subject the entire class of international operators to an onerous and time consuming report for something that can easily be done when a few international carriers pay their regulatory fees.

Therefore, TC America urges the Commission to eliminate the obligation to file annual Circuit Capacity Reports.

¹⁰ See, e.g., US Telecom Comments at 14 (citing sources such as TeleGeography and PR NewsWire); Inmarsat comments at 5; Sprint comments at 4.

¹¹ NPRM at 24.

¹² See *Assessment and Collection of Regulatory Fees for Fiscal Year 2017, Notice of Proposed Rulemaking*, MD Docket No. 17-134, rel. May 23, 2017.

IV. Conclusion

TC America echoes widespread industry support for the elimination of the International Traffic and Revenue reporting requirement, as well as the Circuit Capacity reporting requirement. Both reports are overly burdensome, anachronistic and provide little benefit in an international market that is highly competitive and liberalized. Accordingly, TC America urges the Commission to entirely eliminate the Section 43.62 requirement for annual International Traffic and Revenue Reports and Circuit Capacity Reports.

Respectfully submitted,

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